S.B. CIVIL WRIT PETITION NO.5172/2003

Om Prakash Purohit
Vs.
The Central Co-operative Bank,
Bhilwara & Ors.

Date :: 27.07.2006

HON'BLE SHRI JUSTICE MOHAMMAD RAFIQ

Mr.Harish Purohit, for the petitioner.
Mr.Manoj Bohara, for
Mr.Rajesh Joshi, for the respondents.

The petitioner in this petition has prayed for quashing of the impugned order dated 02.09.2003 vide which he was placed under suspension on account of lodgment of a criminal case against him with the Anti Corruption Bureau, Bhilwara.

On similar charges and on the same set of evidence, disciplinary proceedings had already been initiated against the petitioner and a charge-sheet was served upon him on 14th August, 1998. The Inquiry Officer was appointed on 17.11.1998. According to the petitioner, the respondents made a request to the Inquiry Officer that since a criminal case has also been registered against the petitioner on the same charges, disciplinary inquiry may be deferred till the conclusion of the criminal case.

Learned counsel for the petitioner informs that even though the challan in the criminal case was filed as delayed as August, 2005, in the meantime the petitioner has retired from service on 30th April, 2004. It has been prayed on behalf of the petitioner that the respondents be directed to complete the disciplinary proceedings at the earliest and take a final decision in the matter of grant of his retiral/terminal benefits.

On the other hand, learned counsel for the respondents has argued that so far as the order of suspension is concerned, the petitioner had an alternative remedy by way of an appeal under Rule 13 of the Rajasthan Civil Services (Classification, Control and Appeal) Rules, 1958. He also argued that the Inquiry Officer was fully justified in deferring the disciplinary proceedings till conclusion of the criminal case against the petitioner. The Government by an order No.P.2 (157) Personnel K-3/97 dated 1.9.97 has issued a Circular providing for the guidelines to that effect. According to him no retiral benefits could be paid to the petitioner till the conclusion of the criminal case.

It would be evident from the proceedings drawn by the Inquiry Officer that inquiry was almost complete and only inquiry report was to be prepared. In the facts of the present case ends of justice would met if the respondents are directed to take the

disciplinary proceedings to its logical conclusion and pass a final order thereupon.

Accordingly, the respondents are directed to conclude the disciplinary proceedings and pass a final order and also pass an order with regard to payment of retiral/terminal dues of the petitioner within a period of four months from the date of receipt of copy of this order.

With these directions, the present writ petition is disposed of with no order as to coses.

[MOHAMMAD RAFIQ],J.

Ashwini/-